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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,737	02/18/2004	Katsuya Ohno	04329.3244	2068

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,737

Applicant(s)

OHNO, KATSUYA

Examiner

Quoc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-10, 12-14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 4, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 8, 10, 12, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean et al (5,901,211).

Consider claim 1, Dean et al teach a network system, having human sensors, which transfers data from a first device to second devices by way of a server device, the server device comprising: a positional information storage unit which stores positional information representing correspondence between the human sensors and the second devices (col. 4 lines 1-17); a transfer destination selecting unit configured to select one of the second devices as a destination device to which the data transmitted from the first device should be sent, based on sensing information from the human sensors and the positional information stored in the positional information storage unit (col. 4 lines 18-25); and a data transfer unit configured to

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transfer data from the first device to the one of the second devices which is selected by the transfer designation selecting unit (col. 4 lines 18-25).

Consider claim 3, Dean et al teach wherein the human sensors are installed in different rooms respectively (col. 4 lines 1-5).

Consider claim 8, Dean et al teach wherein: the first device comprising a designating unit configured to designate a data recipient; the human sensors comprising a identifying unit configured to identify a person; and the transfer destination selecting unit of the server device selects one of the second devices which the positional information associates with a human sensor that senses a data recipient designated by the designating unit of the first device, as a destination device to which the data transmitted from the first device should be sent (col. 4 lines 1-25).

Consider claim 10, Dean et al teach a server device which transfers data from a first device to second devices, comprising: a user position determining unit configured to acquire sensing information on human sensors; a positional information storage unit which stores positional information representing correspondence between the human sensors and the second devices (col. 4 lines 1-17); a transfer destination selecting unit configured to select one of the second devices as a destination device to which the data transmitted from the first device should be sent, based on the sensing information acquired by the user position determining unit and the positional information stored in the positional information storage unit; and a data transfer unit configured to transfer data from the first device to the one of the second devices selected by the transfer destination selecting unit (col. 4 lines 18-25).

Consider claim 12, Dean et al teach wherein the transfer destination selecting unit selects one of the second devices which the positional information associates with a human sensor that senses a data recipient designates by the first device, as a destination device to which the data transmitted from the first device should be sent (col. 4 lines 18-25).

Consider claim 14, Dean et al teach a communication method for transferring data from a first device to second devices, comprising: acquiring sensing information on human sensors (col. 4 lines 1-17); selecting one of the second devices as a destination device to which the data transmitted from the first device should be sent, based on the sensing information and positional information representing correspondence between the human sensors and the second devices; and transferring data from the first device to the one of the selected second devices (col. 4 lines 18-25).

Consider claim 16, Dean et al teach wherein the selecting one of the second devices selects one of the second devices which the positional information associates with a human sensor that senses a data recipient designated by the first device, as a destination device to which the data transmitted from the first device should be sent (col. 4 lines 18-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5-7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al (5,901,211) in view of Lee (5,995,139).

Consider claim 2, Dean et al did not suggest wherein the first device is a doorphone having a camera and a microphone, and data on an image photographed by the camera and data on voice entered from the microphone are transmitted to the server device. However, Lee suggested such (col. 3 lines 1-38). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into the hotel lobby of Dean et al in order to provide instant communication between guests and visitors.

Consider claim 5, Dean et al did not suggest wherein the second devices comprising an environment setting unit configured to determine whether or not a power supply should be automatically turned on, when the data transmitted by the first device is received from the server device. However, Lee suggested such (col. 4 lines 41-56). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into view of Dean et al in order to save power during normal time.

Consider claim 6, Dean et al did not suggest wherein the second devices comprising: a display device; and an image superimposing unit configured to superpose image data, which is transmitted by the first device and transferred by the server device, on image data shown on the display device. However, Lee suggested such (col. 3 lines 20-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into view of Dean et al in order for identify the caller or visitor.

Consider claim 7, Lee teaches wherein the second devices further comprising an environment setting unit configured to determine whether or not the image data transmitted by the first device should be superposed on the image data shown on the display device when the image data transmitted by the first device is transferred by the server device (col. 5 lines 14-23).

Consider claims 13 and 17, Dean et al teach the server device further comprising a user information storage unit which stores user information indicating a communication device used by a person identifiable by the human sensors; wherein the data transfer unit transfers data transmitted from the first device to the second device selected by the transfer destination selecting unit, transfers voice data transmitted from the first device to a communication device indicated by the user information storage unit as a device using the person identified by the human sensor, and transfers the voice data transmitted from the communication device to the first device (col. 4 lines 18-25).

Dean et al did not suggest of transferring image data transmitted from the first device to the second device. However, Lee suggested such (col. 3 lines 20-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into view of Dean et al in order for identify the caller or visitor.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al (5,901,211) in view of von Bauer et al (5,428,388).

Consider claim 9, Dean et al did not suggest wherein: the first device is a videophone that performs communications through the network by use of images; the human sensors comprising a identifying unit configured to identify a sensed person; the server device comprising a user information storage unit which stores user information indicating a communication device used by the person identifiable by the human sensors; and the data transfer unit of the server device transfers image data transmitted from the first device to the second device selected by the transfer destination selecting unit of the server device, transfers voice data transmitted from the first device to a communication device indicated by the user information storage unit as a device

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using the person identified by the human sensor, and transfers the voice data transmitted from the communication device to the first device (col. 4 line 61 – col. 5 line 35). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of von Bauer et al into view of Dean et al in order for identify the caller or visitor.

Allowable Subject Matter

7. Claims 4, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOC TRAN
PRIMARY EXAMINER

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November 21, 2005